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Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OMAR AYALA,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., et al.,

Respondents.

Case No. 2:17-cv-02093-RFB-VCF

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE THE
RESPONSE TO THE FOURTH AMENDED
PETITION FOR WRIT OF
HABEAS CORPUS
(ECF NO. 46)**

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty (30) day enlargement of time, up to and including September 10, 2021, in which to submit the response to Petitioner Omar Ayala's Fourth Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254. (ECF No. 23). The answer is currently due August 11, 2021.

Respondents base this motion on the declaration of Counsel.

This is Respondents' first request for an extension of time in which to file an answer and made in good faith and not for purposes of delay.

DATED this 4th day of August, 2021.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Senior Deputy Attorney General

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**DECLARATION OF
MICHAEL J. BONGARD**

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents' Unopposed Motion for Enlargement of Time to file the response to the petition (First Request) in the above-captioned case. By this motion, I am requesting a thirty (30) day enlargement of time, up to and including, September 10, 2021, to file and serve the answer. The answer is currently due August 11, 2021.

2. Counsel took annual leave between July 13, 2021, and July 19, 2021 in order to visit his family for the first time since December 2019.

3. Counsel just completed the draft of the answer brief in *Bejarano v. Gittere*, et al., Ninth Circuit Case Number 11-99000 (death penalty case). Counsel also must complete the supplemental brief in a state habeas corpus case, *Ferm v. Nevada Department of Public Safety*, et al, Eighth Judicial District Court Case Number A-19-789688-W, due August 9, 2021. On July 27, 2021, Counsel also filed the answer to the petition in another state habeas case, *Leal v. Hutchings*, Eighth Judicial District Court Case Number A-20-814369-W.

6 DATED this 4th day of August, 2021.

10 IT IS SO ORDERED:

RICHARD F. BOULWARE, II
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system on the 4th day of August, 2021.

The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Kimberly Sandberg
Assistant Federal Public Defender
411 E. Bonneville, Suite 250
Las Vegas, NV 89101

/s/ Lisa M. Clark
An Employee of the Office of the Attorney General